

Case No.: ELLIP-002A



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Bjoern Magnussen, <i>et al.</i>	)	
Assignee:	Elliptec Resonant Actuator Aktiengesellschaft)	)	Group Art Unit: 2834
Serial No.:	09/801,194	)	Examiner: Mark O. Budd
Filed:	March 8, 2001	)	Confirmation No.: 4082
For:	VIBRATORY MOTORS AND METHODS ) OF MAKING AND USING SAME )	)	

**PETITION UNDER 37 C.F.R. § 1.48(a) FOR  
CORRECTION OF INVENTORSHIP OF U.S. PATENT APPLICATION  
NO. 09/801,194 PURSUANT TO 35 U.S.C. § 116**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

Pursuant to 35 U.S.C. § 116, 37 C.F.R. § 1.48(a), and M.P.E.P. § 201.03, Elliptec Resonant Actuator Aktiengesellschaft ("Elliptec") hereby petitions the Commissioner to correct the inventorship of United States Patent Application No. 09/801,194 ("the '194 application") to add Erick M. Davidson as a joint inventor to the previously named inventors Bjoern Magnussen, Peter Varadi, Benjamin Hagemann and Steven Schofield.

**I. THROUGH ERROR WITHOUT ANY DECEPTIVE INTENT, ONE INVENTOR WAS  
OMITTED AS AN INVENTOR OF CLAIMS**

The '194 application was filed on March 8, 2001 with Claims 1-126. The '194 application was allowed on June 27, 2003.

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The Declaration filed with the '194 application listed Bjoern Magnussen, Peter Varadi, Benjamin Hagemann and Steven Schofield as the sole inventors of the '194 application. It is now believed that an additional inventor, Erick M. Davidson, is a joint inventor with Bjoern Magnussen, Peter Varadi, Benjamin Hagemann and Steven Schofield of the subject matter of the original and allowed claims. This error in identifying the proper inventorship arose without any deceptive intent on my part, or on the part of any of the inventors. *See* Stmt. of Bjoern Magnussen ¶3; Stmt. of Peter Varadi ¶3; Stmt. of Benjamin Hagemann ¶3; Stmt. of Steven Schofield ¶3; Stmt. of Erick M. Davidson ¶3.

Pursuant to 37 C.F.R. § 1.48(a), each of the five inventors requests to change the inventorship of the '194 application to name Bjoern Magnussen, Peter Varadi, Benjamin Hagemann, Steven Schofield and Erick M. Davidson as co-inventors of the '194 application.

## **II. ESTABLISHMENT OF ASSIGNEE ELLIPTEC'S RIGHT TO TAKE ACTION** **PURSUANT TO 37 C.F.R. § 3.73(b)**

Elliptec is the owner of all right, title, and interest in the '194 application. *See* Stmt. of Elliptec ¶3. Each of the inventors of the '194 application has assigned the '194 application to Elliptec. Specifically, Bjoern Magnussen, Peter Varadi, Benjamin Hagemann and Steven Schofield have all assigned the '194 application to Siemens Aktiengesellschaft ("Siemens"). *See* U.S. Published Patent Application No. 20020038987. Siemens then assigned the '194 application to Elliptec which is now recorded in Reel/Frame No. 012087/0049.

Pursuant to 37 C.F.R. § 1.48(a), Elliptec agrees to the requested change of the inventorship of the '194 application to identify the named inventors as Bjoern Magnussen, Peter Varadi, Benjamin Hagemann, Steven Schofield and Erick M. Davidson. *Id.* ¶4. Elliptec thus requests that the Commissioner take action in this matter to correct the inventorship of the '194 application.

## **III. SUBMISSION OF A DECLARATION OF EACH ACTUAL INVENTOR AS** **REQUIRED BY 37 C.F.R. § 1.63**

Pursuant to 37 C.F.R. § 1.48(a), Elliptec files with this Petition a Declaration by each actual inventor as required by 37 C.F.R. § 1.63, signed by each of the actual inventors, namely,

Bjoern Magnussen, Peter Varadi, Benjamin Hagemann, Steven Schofield and Erick M. Davidson.

**IV. PAYMENT OF REQUIRED FEE PURSUANT TO 37 C.F.R. § 1.17(i)**

Finally, pursuant to 37 C.F.R. §§ 1.48(a) and 1.17(i), Elliptec files with this Petition a check for \$130.00, made payable to the Commissioner of Patents, for the required processing fee for correcting inventorship in a patent application. Please charge any additional necessary fees for this Petition to Deposit Account No. 19-4330.

**V. CONCLUSION**

For the foregoing reasons, Elliptec respectfully requests the Commissioner to correct the inventorship of the '194 application to name Bjoern Magnussen, Peter Varadi, Benjamin Hagemann, Steven Schofield and Erick M. Davidson as inventors of the application. If you have any questions in this regard, please do not hesitate to contact the undersigned attorney.

Date: 9/10/03

Customer No. 007663

By: Lowell Anderson

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Registration No. 30,990  
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**STATEMENT OF ASSIGNEE ELLIPTEC RESONANT ACTUATOR**  
**AKTIENGESELLSCHAFT**

I, BJOERN MAGNUSSEN, state as follows:

1. I am the Chief Executive Officer of Elliptec Resonant Actuator Aktiengesellschaft ("Elliptec"), whose business address is Meinhardstrasse 3, 44379 Dortmund, Germany.
2. As Chief Executive Officer of Elliptec, I am authorized to act on behalf of Elliptec.
3. Elliptec is the owner of the entire right, title and interest in the United States Patent Application No. 09/801,194 ("the 194 application") as recorded in Reel/Frame No. 012087/0049.
4. Elliptec agrees to the requested change of the inventorship of the '194 application to identify the named inventors as Bjoern Magnussen, Peter Varadi, Benjamin Hagemann, Steven Schofield and Erick M. Davidson.

Dated: 08/27/2003

By: \_\_\_\_\_

Bjoern Magnussen

Chief Executive Officer

Elliptec Resonant Actuator Aktiengesellschaft




### STATEMENT OF BJOERN MAGNUSSEN

I, BJOERN MAGNUSSEN, declare as follows:

1. I am one of the currently named inventors of United States Patent Application No. 09/801,194 ("the '194 application").
2. My residential address is Margeritenstrasse 6a, 58640 Iserlohn, Germany.
3. Through error, Erick M. Davidson was not named in the '194 application as an inventor, and such error arose without any deceptive intent on my part.

Dated: 08/27/2003

By:   
Bjoern Magnussen




**STATEMENT OF PETER VARADI**

I, PETER VARADI, declare as follows:

1. I am one of the currently named inventors of United States Patent Application No. 09/801,194 ("the '194 application").
2. My residential address is 822 Masonic Avenue, Albany, California 94706.
3. Through error, Erick M. Davidson was not named in the '194 application as an inventor, and such error arose without any deceptive intent on my part.

Dated: 8/14/03

By:   
Peter Varadi



### STATEMENT OF BENJAMIN HAGEMANN

I, BENJAMIN HAGEMANN, declare as follows:

1. I am one of the currently named inventors of United States Patent Application No. 09/801,194 ("the '194 application").
2. My residential address is Galoppstrasse 93, 44229 Dortmund, Germany.
3. Through error, Erick M. Davidson was not named in the '194 application as an inventor, and such error arose without any deceptive intent on my part.

Dated: 8/27/03

By: B. Hagemann  
Benjamin Hagemann



**STATEMENT OF STEVEN SCHOFIELD**

I, STEVEN SCHOFIELD, declare as follows:

1. I am one of the currently named inventors of United States Patent Application No. 09/801,194 ("the '194 application").
2. My residential address is 2724 Alcatraz Avenue, Berkeley, California 94705.
3. Through error, Erick M. Davidson was not named in the '194 application as an inventor, and such error arose without any deceptive intent on my part.

Dated: 9/16/03

By: Steven Schofield  
Steven Schofield





**STATEMENT OF ERICK M. DAVIDSON**

I, ERICK M. DAVIDSON, declare as follows:

1. My residential address is 5215 Fresno Avenue, Apt. A, Richmond, California 94804.
2. I am being added as one of the inventors of the subject matter of Claims 1-7, 9, 10, 12-14, 16-18, 20-47, 49-68, 72-75, 77-85, 118-124 and 127-156 of U.S. Patent Application No. 09/801,194 ("the '194 application").
3. Through error, I was not named in the '194 application as an inventor, and such error arose without any deceptive intent on my part.

Dated: 8/14/03

By: *Erick M. Davidson*  
Erick M. Davidson